

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:06CR3144
v.)	
)	
MARTERIS VONERIC GRAY,)	
)	MEMORANDUM AND ORDER
Defendant.)	
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)	

Following a hearing before me on May 16, 2007, I shall order the defendant to continue his treatment at an Omaha halfway house, with consideration to be given for placement in a Lincoln halfway house once he demonstrates progress in his treatment. In accordance with the findings and rulings announced from the bench,

IT THEREFORE HEREBY IS ORDERED:

1. The defendant's motion for adjustment of conditions, filing 45, is granted in part. The defendant shall be released on the same conditions as presently exist with the exception that he shall reside at the Dorothy B Halfway House in Omaha, Nebraska and shall abide by its rules in all respects. He is permitted to leave the halfway house and Omaha to attend required court hearings in Lincoln, and to attend the birth of his child. He is also permitted to leave the halfway house to meet with his attorney. Otherwise his absences shall be in strict compliance with the rules of that facility. He shall participate in good faith in all aspects of the treatment in accordance with the directions of his counselors and the assigned pretrial services officer.

2. Trial is continued to August 27, 2007 at 9:00 a.m. before the Honorable Richard G. Kopf in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be held at commencement of trial.

3. Defendant waived speedy trial time in open court. The request of defendant's counsel for additional time to prepare for trial is granted and the court finds that the ends of justice will be served by granting such a motion, and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the granting of the motion, the time between May 16, 2007 and August 27, 2007 shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, for the reason that the parties require additional time to adequately prepare the case, taking into consideration due diligence of counsel, the novelty and complexity of the case, and the fact that the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of May, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge